

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MELISSA HILL,

Plaintiff,

V.

**PORTFOLIO RECOVERY
ASSOCIATES, LLC,**

Defendant.

Case No.:

JURY TRIAL DEMANDED

COMPLAINT

MELISSA HILL (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against PORTFOLIO RECOVERY ASSOCIATES, LLC (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business in the State of Maryland and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. §1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in White Plains, Maryland.

6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

7. Defendant is a national debt collection company with corporate headquarters located at 140 Corporate Boulevard, Norfolk, VA 23502.

8. Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. At all relevant times, Defendant was attempting to collect an alleged consumer debt from Plaintiff, related to a credit card.

11. The debt at issue arose out of transactions, which were primarily for personal, family, or household purposes.

12. Between May 2015 and September 2015, Defendant’s collectors placed repeated harassing telephone calls to Plaintiff’s cellular telephone number.

13. Defendant’s harassing debt collection calls derived from numbers including, but not limited to 757-946-1151. The undersigned has confirmed that this number belongs to the Defendant

14. On numerous occasions, Defendant’s representatives called Plaintiff at least 2 to 3 times per day.

15. Further, Defendant’s collectors regularly called Plaintiff back immediately after Plaintiff has hung up on a collector.

1 16. Plaintiff told Defendant's representative to stop calling her about this debt in
2 May 2015.

3 17. However, Defendant continued to call Plaintiff.

4 18. During these telephone calls with Plaintiff, Defendant's collectors also made
5 threats to Plaintiff and implied that non-payment of the alleged debt is a crime.

6 19. Specifically, Defendant threatened to take legal action and garnish Plaintiff's
7 wages if the debt was not paid.

8 20. Defendant has not taken legal action nor did Defendant garnish Plaintiff's wages.

9 21. Based upon the information and belief, Defendant did not intend to take legal
10 action or intend to garnish Plaintiff's wages if the debt was not paid but made these threats with
11 the intent to scare and coerce payment from Plaintiff.
12

13 22. Ultimately, Plaintiff was forced to block calls from Defendant when it did not
14 stop calling.

15 23. Defendant's actions as described herein were made with the intent to harass,
16 abuse, and coerce payment from Plaintiff.

17
18 **COUNT I**
19 **DEFENDANT VIOLATED §§1692d and 1692d(5) OF THE FDCPA**

20 24. A debt collector violates §1692d of the FDCPA by engaging in conduct the
21 natural consequence is to harass, oppress, or abuse any person in connection with the collection
22 of a debt.

23 25. A debt collector violates §1692d(5) of the FDCPA by causing a telephone to ring
24 or engaging any person in telephone conversation repeatedly or continuously with the intent to
25 annoy, abuse or harass any person at the called number.

26. Defendant violated §§1692d and 1692d(5) when it placed repeated harassing calls to Plaintiff's cellular telephone and continued to call even after it knew its calls were unwanted.

COUNT II
DEFENDANT VIOLATED §§1692e, 1692e(4), 1692e(5), and 1692e(10) OF THE FDCPA

27. A debt collector violates § 1692e of the FDCPA by using any false, deceptive or misleading representations or means in connection with the collection of any debt.

28. A debt collector violates §1692e(4) of the FDCPA by statement that nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment.

29. A debt collector violates § 1692e(5) of the FDCPA by threatening to take any action that cannot legally be taken or that is not intended to be taken.

30. A debt collector violates § 1692e(10) by using any false representation or deceptive means to collect or attempt to collect any debt.

31. Defendant violated §§1692e, 1692e(4), 1692e(5), and 1692e(10) of the FDCPA when it threatened to take legal action against Plaintiff and garnish Plaintiff's wages and did not take such action and did not intend to take such action.

WHEREFORE, Plaintiff, MELISSA HILL, respectfully pray for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);

- 1 c. All reasonable attorneys' fees, witness fees, court costs and other litigation
2 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
3 d. Any other relief deemed appropriate by this Honorable Court.
4

5 **DEMAND FOR JURY TRIAL**

6 PLEASE TAKE NOTICE that Plaintiff, MELISSA HILL, demands a jury trial in this
7 case.
8

9
10 Respectfully submitted,

11 Dated: May 16, 2016

12 By: /s/ Amy L. Bennecoff Ginsburg, Esquire
13 Amy L. Bennecoff Ginsburg, Esquire
14 Kimmel & Silverman, P.C.
15 30 East Butler Pike
16 Ambler, PA 19002
17 Phone: (215) 540-8888
18 Facsimile: (877) 788-2864
19 Email: aginsburg@creditlaw.com
20
21
22
23
24
25